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4. JOINT PURCHASER AGENT FOR VENDOR—*Objection on appeal for first time.* An objection that an agent for the sale of land, who became a joint purchaser with defendants, was also interested on behalf of the vendor cannot be made for the first time on appeal.

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BAYLOR & CARR V. FULKERSON'S EX'ORS AND OTHERS.—Decided at Wytheville, July 7, 1898.—*Harrison, J.* Absent, *Buchanan* and *Cardwell, JJ.*

1. GUARDIAN AND WARD—*Settlements—How viewed—Dealings between guardian and ward.* Settlements made by a guardian with his ward soon after the latter comes of age, and especially before he is in the possession of his property, are viewed by courts of equity with a watchful and jealous eye. The law, however, does not prohibit the guardian from dealing with his recently emancipated ward, and a release of the guardian, or a gift to him, may consequently stand, if shown to have been made deliberately and with a sufficient opportunity for consultation and advice.

2. LACHES—*Guardian and ward—Case in judgment.* Long and unexplained acquiescence in a settlement between guardian and ward is an effectual bar to proceedings to impeach it. In the case in judgment the guardian was the father of his wards; the settlement was made by the wards deliberately and voluntarily, after ample time for advice and consultation; the wards had been of age several years and had married and removed to homes of their own; the children had ample notice of the several capacities in which their father was indebted to them; there was no misrepresentation or concealment on the part of the father, and the settlement was allowed to remain unimpeached and undisturbed for a period of twelve years, and until after the death of the father.

*Held:* Such laches, under such circumstances, leaves the wards without any standing in a court of chancery, and their bill was properly dismissed.

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HETH V. CITY OF RADFORD.—Decided at Wytheville, July 11, 1898.—*Riely, J.* Absent, *Cardwell, J.*

1. CONSTITUTIONAL LAW—*Taxes—Assessment of property—Notice—Due process—Charter of City of Radford.* The imposition of taxes and levies is a "taxing" within the meaning of the Constitution of the United States, and if the law under which property is assessed for taxes does not provide an opportunity for the owner to be heard and contest the justice of the assessment he is deprived of his property without due process of law, and the law is unconstitutional and void, and the assessment or levy is illegal. Section 45 of the charter of the city of Radford, being liable to objections of this kind, is unconstitutional and void.

2. ASSESSMENT OF LAND FOR TAXES—*Erroneous assessments—Section 444 of Code.* The method prescribed by section 444 of the Code for correcting erroneous assessments of real estate applies solely to the general assessment of lands throughout the Commonwealth every fifth year, and has no application to assessments made under special provisions contained in charters of municipal corporations.